



Docket No.: 43890-559

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
: Takahiro KOMATSU, et al.
: Serial No.: 10/051,298 : Group Art Unit: 2800
: Filed: January 22, 2002
: For: ORGANIC ELECTROLUMINESCENT ELEMENT, PANEL AND APPARATUS
: USING THE SAME

**PETITION AND RESPONSE TO NOTICE
OF MISSING PARTS OF APPLICATION**

Box Missing Parts
Commissioner for Patents
Washington, DC 20231

Sir:

This is a Petition and Response to the Notice of Missing Parts of Application dated February 26, 2002 which was resent with a Cover Letter For Resending Correspondence dated February 6, 2003.

Since we had not received any Missing Requirements Notice in this application, on June 27, 2002, we filed the enclosed Status Inquiry and on August 27, 2002 filed the enclosed Second Status Inquiry. We thereafter received the attached Paper indicating the application had been sent to Group 2800 and would be more than 15 months before an Office Action would be mailed.

The Notice of Missing Parts dated February 26, 2002 therefore was not received in our office until February 10, 2003 when it was resent on February 6, 2003. A thorough search of all docketing systems was conducted to determine if any indication was present that the Notice to File Missing Parts was ever received. All docket searches indicated the subject Notice

was never previously received. Consequently, the Notice was never processed within the McDermott, Will & Emery ("MWE") docketing system. Enclosed are copies of the automated docket of our Docketing Department and also a copy of the page from the Docket Book of our Applications Department for the due date of April 26, 2002. The present application 10/051,298 - Our Ref. 43890-559 does not appear on either docket record listing. **Each of these docket entries evidence the Notification of Missing Parts dated February 26, 2002 was not received in our office.**

It is hereby confirmed that the Docketing Department docket includes and lists all cases which were due to the USPTO on April 26, 2002 by representative's firm on said date. The Applications Department Docket Record lists all cases which were due to the USPTO on April 26, 2002 that were to be filed by the Applications Department (which includes all firm responses due to Missing Parts Notices and any responses due prior to the first Office Action).

Applicants maintain that they never received the Notice to File Missing Parts dated February 26, 2002. A search was made of the file jacket of the application, and no copy of the Notice to File Missing Parts was found, indicating that no copy was ever received by Applicants' attorney at McDermott, Will & Emery.

In response to the Notification of Missing Parts, submitted herewith are the following documents for filing in the above-referenced application:

1. Declaration and Power of Attorney (which is in compliance with 37 CFR 1.63)
2. Statutory Basic filing fee of \$750.00
3. Late Filing Fee Surcharge of \$130.00
4. Petition Fee of \$130.00 (**which is requested be waived**)

5. Assignment (under separate cover) and
6. An Information Disclosure Statement and attachments

Please charge Deposit Account No. 500417 for the required fees. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time and petition fees to Deposit Account 500417 and please credit any excess fees to such deposit account.

As evidenced, the Notice to File Missing Parts was never previously received in our office and it is requested that this Petition alleging non-receipt of the Notification of Missing Parts be treated as a Request to Withdraw any Holding of Abandonment and the **Petition Fee be waived**. It is believed that this Petition supports the revival of this application due to the non-receipt of the Notification of Missing Parts.

It is requested that the official filing receipt now be issued.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



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Date: February 26, 2003



Applicant: Takahiro KOMATSU, et al. Docket No. 43890-559

Title: ORGANIC ELECTROLUMINESCENT ELEMENT, PANEL AND APPARATUS USING THE SAME Serial/Reg./Patent No. 10/051,298

Date Sent: 6/27/2002 ☒ Hand Carried ☐ Fax ☐ Electronic ☐ Cert. of Mailing ☐ Express Mail No. _____

☐ Transmittal Letter

New Patent App ☐ Utility ☐ Design ☐ Cont. ☐ CIP ☐ Div. ☐ PCT ☐ CPA ☐ RCE ☐ Prov

☐ Other: _____

_____ pages of Specification

_____ pages of Claims

_____ pages of Abstract

_____ pages of Formal/Informal Drawings

☐ Small Entity ☐ Large Entity

☐ Declaration/Power of Attorney

☐ Recordation of Assignment/Security Agreement

☐ Information Disclosure Statement

_____ Form PTO 1449

_____ copies of cited references

☐ Preliminary Amendment

☐ Response to Missing Parts Notice

☐ Resp. to Notice to Correct App. Papers

☐ Certified Copy of Priority Doc.

☐ Claim for Convention Priority

☐ Response/Amendment to Office Action of _____

☐ Request for _____ month Extension of Time

☐ Letter submitting _____ pages of drawings

☐ Req. for Approval of Drawing Amendments

☐ Req. for Oral Hearing

☐ Not. of Appeal ☐ Appeal Brief ☐ Reply Brief

☐ Rule 312 Amendment/Letter

☐ Req. for Acknowledgement of Cited Art

☐ Issue Fee

☐ Publication Fee

☐ Req. for Certificate of Correction

☐ Maintenance Fee for _____ years after grant

☐ Fee Address Indication Form _____

☐ Terminal Disclaimer

☐ Petition to Commissioner

☒ Status Inquiry

☐ Other



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CMS Descrip.: _____

THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/051,298	01/22/2002	Takahiro Komatsu	43890-559

CONFIRMATION NO. 4775

FORMALITIES LETTER



OC000000007534410

MCDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington, DC 20005-3096

Date Mailed: 02/26/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 870.**

02/28/2003 SSITHIB1 00000104 500417 10051298

01 FC:1001 750.00 CH
02 FC:1051 130.00 CH

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



UNITED STATES
PATENT AND
TRADEMARK OFFICE



Commissioner for Patents
Washington, DC 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/051,298	01/22/2002	Takahiro Komatsu	43890-559

MCDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington, DC 20005-3096

CONFIRMATION NO. 4775

RESEND COVER LETTER



OC000000009489568

Date Mailed: 02/06/2003

COVER LETTER FOR RESENDING CORRESPONDENCE

A courtesy copy of the Notice mailed on 02/26/2002 is enclosed. The time period for reply continues to run from the mail date of that Notice.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE